

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

THADDAEUS MYRICK et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 2:19-cv-01728-MHH
	)	
CITY OF HOOVER, ALABAMA,	)	
	)	
Defendant.	)	

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**Notice of Joint Stipulation to Terms of a Final Judgment**

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In the Court's Memorandum Opinion and Order on the parties' motions for summary judgment, the Court directed the parties to confer and jointly indicate in writing whether they are able to stipulate to the terms of a final judgment. (Doc. 34 at 26). The parties have agreed to and stipulate to the following terms, but by stipulating to the following terms relating to damages, the Defendant does not waive any right to appeal the Court's decision on liability:

The parties have stipulated that if the Plaintiffs had been paid holiday pay and had accrued personal leave, sick leave, and annual leave while on unpaid military leave, the Plaintiffs would have received the following benefits that were not provided:

Nicholas Braden:

Personal Leave	24 hours
Holiday Pay	120 hours
Sick Leave	75 hours
Annual Leave	120 hours

Thaddaeus Myrick:

Personal Leave	24 hours
Holiday Pay	104 hours
Sick Leave	78 hours
Annual Leave	104 hours

Jessie Popee:

Personal Leave	24 hours
Holiday Pay	448 hours
Sick Leave	309 hours
Annual Leave	578 hours

Kenneth Fountain:

Personal Leave	96 hours
Holiday Pay	384 hours
Sick Leave	249 hours
Annual Leave	500 hours

Therefore, in accordance with foregoing stipulation and the Court's memorandum opinion on the motions for summary judgment (Doc. 34), the Court enters a final judgment as follows:

Judgment is entered in favor of Plaintiff Thaddeus Myrick and against the City of Hoover in the amount of \$7,374.90. Thaddeus Myrick is not currently employed by the City of Hoover, and that amount compensates him for all of the unprovided leave time (personal, sick, and annual) and holiday pay.

Judgment is entered in favor of Plaintiff Nicholas Braden and against the City of Hoover in the amount of \$4,891.68 to compensate him for the unprovided personal

leave and holiday pay, and the City of Hoover is ordered to credit Nicholas Braden with an additional 75 hours of sick leave and to either credit him with an additional 120 hours of annual leave or allow him to elect to receive any portion of the 120 hours of annual leave as a payment at the rate of \$33.97 per hour by informing the Hoover Human Resources Director of his election within 60 days of the date of this judgment.

Judgment is entered in favor of Plaintiff Jessie Popee and against the City of Hoover in the amount of \$19,493.60 to compensate him for the unprovided personal leave and holiday pay, and the City of Hoover is ordered to credit Jessie Popee with an additional 309 hours of sick leave and to either credit him with an additional 578 hours of annual leave or allow him to elect to receive any portion of the 578 hours of annual leave as a payment at the rate of \$41.30 per hour by informing the Hoover Human Resources Director of his election within 60 days of the date of this judgment.

Judgment is entered in favor of Plaintiff Kenneth Fountain and against the City of Hoover in the amount of \$32,208.00 to compensate him for the unprovided personal leave and holiday pay, and the City of Hoover is ordered to credit Kenneth Fountain with an additional 249 hours of sick leave and to either credit him with an additional 500 hours of annual leave or allow him to elect to receive any portion of the 500 hours of annual leave as a payment at the rate of \$67.10 per hour by

informing the Hoover Human Resources Director of his election within 60 days of the date of this judgment.

Prevailing plaintiffs in USERRA cases may also be awarded attorney's fees and costs. Plaintiffs claim attorney's fees in the amount of \$88,099.00 and costs in the amount of \$4,113.93. The City of Hoover does not contest those amounts. Thus, judgment is entered in favor of the Plaintiffs and against the City of Hoover in the amount of \$92,212.93 for attorney's fees and costs.

Respectfully submitted on April 21, 2022.

s/ Michael L. Jackson

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